

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

HUXLEY ENVELOPE CORPORATION

Employer

and

Case 4-RC-19672

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA (UAW), AFL-CIO¹

Petitioner

and

NATIONAL ORGANIZATION
OF INDUSTRIAL TRADE UNIONS

Intervenor

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding,² the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. Prior to the hearing, the Employer's Counsel executed a stipulation that the Employer is a Pennsylvania corporation that manufactures envelopes at a plant in Mount Pocono, Pennsylvania and that, during the past year, the Employer sold and shipped goods valued in excess of \$50,000 directly to points located outside the Commonwealth of Pennsylvania. Accordingly, I find that the Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The Petitioner's Regional Organizing Coordinator, Barbara Rakhe, testified that employees participate in the affairs of the Petitioner, a well-known international union with approximately

¹ The Petitioner's name appears as amended at the hearing.

² Though notified of the hearing, the Employer and the Intervenor did not attend.

800,000 members, and that one of its purposes is to negotiate with employers concerning employee terms and conditions of employment. Employees Chris Mosteller and Jennifer Merritt testified that they and other employees of the Employer are or have been members of the Intervenor, that they served on the Intervenor's negotiating committee and that the Intervenor, which currently has a collective bargaining agreement with the Employer (herein called the Agreement), intended to negotiate a successor agreement. The Agreement covers matters including wages, hours of work, seniority and other terms and conditions of employment. Accordingly, I find that the Petitioner and the Intervenor are organizations in which employees participate and that they exist for the purpose, in whole or in part, of dealing with employers concerning the terms and conditions of employment of employees. I therefore find that the Petitioner and the Intervenor are labor organizations within the meaning of Section 2(5) of the Act. *Alto Plastics Mfg.*, 136 NLRB 850 (1962).

4. The Agreement is effective by its terms from July 1, 1996 through June 30, 1999. The Petitioner filed the petition herein on April 16, 1999, which is more than 60 and less than 90 days from the expiration of the Agreement. Accordingly, I find that a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. I find that the following employees, who are currently covered by the Agreement, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production and maintenance employees employed by the Employer at its Mount Pocono, Pennsylvania plant, excluding office clerical employees, forepersons, watchpersons, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently,³ subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by

**INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW), AFL-CIO; or by NATIONAL**

³ Your attention is directed of Section 103.20 of the Board's Rules and Regulations, a copy of which is enclosed. Section 103.20 provides that the Employer must post the Board's official Notice of Election at least three full working days before the election, excluding Saturdays and Sundays, and that its failure to do so shall be grounds for setting aside the election whenever proper and timely objections are filed.

**ORGANIZATION OF INDUSTRIAL TRADE UNIONS; or by
NEITHER**

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within 7 days of the date of this Decision 3 copies of an election eligibility list, containing the **full** names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be clearly legible, and computer-generated lists should be printed in at least 12-point type. In order to be timely filed, such list must be received in the Regional Office, One Independence Mall, 615 Chestnut Street, Seventh Floor, Philadelphia, Pennsylvania 19106, on or before **May 24, 1999**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, Franklin Court, 1099 14th Street, NW, Room 11613, Washington, D.C. 20570. This request must be received by the Board in Washington by **June 1, 1999**.

Dated May 17, 1999

at Philadelphia, PA

/s/ Dorothy L. Moore-Duncan

DOROTHY L. MOORE-DUNCAN

Regional Director, Region Four

177-3900

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